

KENTUCKY BOARD OF RESPIRATORY CARE

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MINUTES

August 17, 2006

A regular meeting of the Kentucky Board of Respiratory Care was held at 6:00 p.m., at Murrays, 3955 Harrodsburg Road, Lexington, KY on Thursday, August 17, 2006.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Pat Fisher
Wade Root
Tami McDaniel
Abdi Vaezy, M.D.

KBRC STAFF

Peggy Lacy Moore, Board Administrator
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 6:10 p.m., in the Grand Circuit Dining Room at Murrays Restaurant in Lexington, KY.

Minutes

Klaus Becker moved to approve the June 29, 2006 minutes; seconded by Tami McDaniel. Motion carried unanimously.

Continuing Education Committee – Percentage of 2007 Audit Renewals Approved

Mrs. Moore asked the Board to approve the percent of renewals they would like audited in the 2007 renewal process. Mrs. Moore informed the Board that our law allows from five (5) to fifteen (15) percent of our renewals to be audited. A motion was made by Wade Root to approve ten (10) percent of the 2007 renewals for audit; seconded by Pat Fisher. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Wade Root gave a brief report on the CEU approvals since the last meeting.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 8/17/06

Ms. Lalonde told the Board we had received recent updates from Shirley Henderson, and documentation that Ms. Henderson had lapsed on her agreed order. Following discussion, Tami McDaniel made a motion to ask Ms. Lalonde to amend the original Agreed Order to include additional language that fortifies the order and suspends Mrs. Henderson's license for six (6) months from the date Dr. Westerfield signs the Agreed Order. Ms. Henderson shall be referred to Brian Fingerson and if she continues to meet the conditions of her order she will be eligible to apply for reinstatement after the 6 month suspension; motion was seconded by Wade Root and carried unanimously.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Robert N. Corbett, Jr. KY # 2955 – Agreed Order 8/15/05

Mrs. Moore stated we had received documentation that Mr. Corbett is in compliance with the terms of his Agreed Order.

Oliver “Lee” Adkins KY # 4298 –Agreed Order 3/14/06

Mrs. Moore stated we had received documentation that Mr. Adkins is in compliance with the terms of his Agreed Order.

Debra Moore KY # 0339 –Agreed Order 4/20/06

Anna Jones reported Debra Moore is in compliance with the terms of her Agreed Order. Anna Jones will monitor Ms. Moore for six months according to the terms of the Agreed Order.

Katrina A. Baker KY # 0208 – Agreed Order 4/20/06

Mrs. Moore stated we had received documentation that Ms. Baker is in compliance with the terms of her Agreed Order.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Ms. Lalonde updated the Board on Ms. Barnes' Amended Agreed Order which includes additional language that fortifies the original order, a 45-day suspension (in effect until September 11, 2006), and an increase in drug screens to a minimum of 18 drug screens with a maximum of 24 per year at Ms. Barnes' expense.

Old Business

KBRC Regulations: 201 KAR 29:010, 201 KAR 29:015, KAR 201 29:050

The Board got an update from Klaus Becker, Vice-Chair, Wade Root, Tami McDaniel, and Anna Jones who represented the Board at the Administrative Regulation Review Subcommittee on July 11, 2006. On behalf of the Board Dr. Westerfield thanked Tami McDaniel as the

spokesperson for the KBRC answering questions posed by the Committee regarding our first fee increase since 1990. The increases, effective September 2, 2006, pertain to licensure certification fees (application fees stay the same):

<u>New Fees:</u>	<u>Certification</u>	<u>Application</u>	<u>Totals</u>
Limited/Student:	\$40	\$10	\$50
Mandatory/Temp	\$35	\$50	\$85
Mandatory/NBRC	\$75	\$50	\$125
<u>Other Fees</u>			
Reinstatement:	\$150		
Reactivation	\$75		
Renewal	\$75		
Inactive Renewal	\$25		

Lonnie Ely Request for Reinstatement – Denied Licensure

Mrs. Moore advised the Board that Kathryn Reed, Agent with the Attorney General's office, has been assigned to the Lonnie Ely case. Mrs. Reed will continue the investigation started by Agent Darwin Sebastian who recently retired. Agent Reed will work with the Jefferson Co. Attorney's office in any prosecution it chooses to pursue against Lonnie Ely.

KY.Gov Venture – New Website Processed for KBRC & Newsletter

Mrs. Moore discussed the additional training taken with KY.Gov to build a new website. Mr. Rose gave a presentation of the new website to the Board.

Mrs. Moore met with Kent Sparrow of the Finance Cabinet to file the Standard Merchant Agreement with Link2Gov allowing for 2007 online renewals with the help of KY.Gov and the new website. The initial cost for the agreement is \$95 and a monthly maintenance fee of \$50 will be charged per month whether we issue one (1) license or no license.

Klaus Becker made a motion to continue the work with KY.Gov and the Finance Cabinet for online licensure and approve a flat fee of \$5.00 for each applicant using the service to help offset the cost of this service; motion was seconded by Wade Root and carried unanimously.

The Board reviewed the 2006 newsletter that staff put together and placed on the website. To hold costs down, staff will mail the newsletter to all hospital respiratory departments and respiratory schools asking them to circulate the newsletter to their therapists so RTs can be aware of statutory and regulatory changes approved in 2006.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Wade Root, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Wade Root. Motion carried unanimously.

A. Matthew Mattes KY # 2666

The Board reviewed the June 23, 2006 Judgment and Sentence on Plea of Guilty entered by Matthew Thomas Mattes in Mason Circuit Court for trafficking in Marijuana, more than eight ounces but less than five pounds. Mr. Mattes was sentenced to six (6) years in prison. Klaus Becker made a motion for counsel to draft an Agreed Order revoking Mr. Mattes respiratory license permanently; motion was seconded by Wade Root and carried unanimously.

B. Christina L. Bailey – KY # 4873

Ms. Lalonde stated no other actions were needed at this time regarding the Christina Bailey case. The Final Order authorized by the Board revoking Christina Bailey's license was mailed certified and regular mail to Ms. Bailey and the thirty (30) day appeal process ends on August 29, 2006. Mrs. Moore added the certified mail for Ms. Bailey was signed by a Maggie Pack.

C. Denver W. Miller – KY # 4952

The Board reviewed the report presented by Janet Vogt, Investigator, who investigated the complaint on Denver Miller filed by Lake Cumberland Regional Hospital. Tami McDaniel moved to dismiss the complaint without prejudice for insufficient evidence and requested legal counsel to forward a letter to the respiratory management at Lake Cumberland Regional Hospital that this Board does not look kindly on the lack of RT policies and procedures; the motion was seconded by Anna Jones. Motion carried unanimously.

Review of Shelby Blankenship-Cutler Email Re: IV Insertion

Mr. Root presented an email inquiry from Shelly Blankenship-Cutler from Norton Healthcare in Louisville. Ms. Berger requested to know if RT's in KY could insert IV needles with saline solution. The Board agreed these procedures were approved in the past and if they were related to "cardiopulmonary procedures" with documented competency within policy of the hospital and with a physician's order they were permitted.

Review of Allen Firquin Email

Mr. Root presented an email from Allen Firquin, CRT. Mr. Firquin was inquiring whether nursing could setup CPAP and BiPaP and thought this should fall directly under the respiratory department and not the nursing staff. Mr. Firquin's question was presented to Mr. Root after a similar question was presented by Mr. Firquin's CEO via telephone with Mr. Root. Mr. Root quoted a previous opinion statement from the KBRC that stated, "**Any licensed healthcare professional may perform respiratory duties as long as it falls within their clinical scope of practice.**" It was suggested that the question be presented to the KBN and the KBN reported verification that nursing could setup CPAP and BiPAP and is within the nursing scope of practice. After some discussion, the Board agreed that it should place an Opinion Statement regarding home health care and nursing on the KBRC website.

Chair and Vice-Chair Elected to serve the KBRC for 2007

After some discussion with legal counsel the Board decided to go ahead and open the floor for nominations for Chair and Vice-Chair to serve until August 2007. Dr. Westerfield stated he thought moving the elections from December to August of each year helps with continuity. With no other nominations on the floor; a motion was made by Tami McDaniel nominating Dr. Westerfield and Klaus Becker to serve in their respective roles as Chair and Vice-Chair through August 2007; seconded by Wade Root. Motion carried unanimously.

Application Review

A motion was made by Anna Jones to accept all **56** applications since the last meeting; seconded by Klaus Becker. Motion carried unanimously.

The following **Student applications (10)** were approved:

Kari B. Adams, Rodney W. Bailey, Lisa M. Beck, Rodney D. Faughn, Jerina K. Gardner, Melia K. Harvey, Amy D. Hurst, Jean A. Lanning, Linda R. Mills, and Phillip T. Rogers.

The following **Temporary applications (7)** were approved:

Kelli L. Baldrige, Tara L. Crimmins, Joyce A. Fields, Lindsay D. Gross, Donia R. Hicks, William M. Rogers, and Sabrina R. Thompson.

The following **NBRC applications (29)** were approved:

Baxter Arnett, II, Elisa R. Ballway, Lori E. Carpenter, Angela M. Click, Tracey L. Cohoon, Cynthia M. Crain, Steve F. Eddy, II, Candace M. Fickentsher, Health M. Gibson, Amy S. Hamilton, Danielle N. Hensley, Pat A. Howard, Samantha J. Jordon, Kenneth R. Leabee, Nathan S. McComas, Rickey L. Morrison, Sharon S. Oldham, Alberto D. Perez-Callahan, Lisa D. Ross, Timothy E. Runyon Amanda N. Sams, Berthold R. Seal, Andrew W. Shaffer, Shannon M. Short, Catherine Silkwood, Shelley Y. Spalding, Chris L. Spraggs, Valerie M. Wagoner, and Deborah L. Young.

The following **Reciprocity applications (11)** were approved:

Roger A. Baudry, Cathy J. Bocking, Jessica D. Chesnutt, Barbara R. Defebbo, Kersten L. Felt, Chassidey A. Howard, Cynthia L. Imel, Alvin King, Jr., Thomas W. Lambert, Andrea M. Sparks, and Tammy Cole Viers.

Wade Root made a motion to adjourn the meeting at 8:45 p.m.; seconded by Dr. Vaezy. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Respiratory Care Board